

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SETH D. HARRIS, Acting Secretary of Labor,  
United States Department of Labor,

No. C 13-02786 JSW

Plaintiff,

v.

**ORDER TO SHOW CAUSE**

BEVERLY KUANG, as an individual and as  
managing agent of Beverly Residential Care  
Home, LLC, a limited liability company, doing  
business as Beverly Residential Home Care;  
and XUE YAN JIANG, also known as DAVID  
JIANG, as an individual and as managing agent  
of Beverly Residential Care Home, LLC, a  
limited liability company, doing business as  
Beverly Residential Home Care,

Defendants.

On June 19, 2013, the Plaintiff filed a Notice of Lodging of a Proposed Consent Judgment. The Court has some concerns, and it issues this Order to Show Cause directing Plaintiff to respond to the following issue.

The proposed consent judgment refers to Defendants' employees. It is not clear whether Plaintiff contends that the employees referenced in the proposed consent judgment are employees of the individual defendants, as opposed to employees of Beverly Residential Care Home, LLC. Beverly Residential Care Home, LLC has not been named as a defendant, and the individual Defendants cannot appear on its behalf. *See Rowland v. California Mens Colony, Unit II Men's Advisory Counsel*, 506 U.S. 194, 202 (1993); *United States v. High Country*

1 *Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); N.D. Civ. L.R. 7-9(b).

2 Accordingly, the Court requests clarification on this issue by no later than September  
3 13, 2013. It is FURTHER ORDERED that Plaintiff shall serve a copy of this Order on the  
4 Defendants by September 3, 2013, and shall file proof of such service with the Court.

5 **IT IS SO ORDERED.**

6 Dated: August 27, 2013

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8 JEFFREY S. WHITE  
9 UNITED STATES DISTRICT JUDGE  
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